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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,835	11/18/1999	YOSHIRO UDAGAWA	1232-4599	6443

27123 7590 12/01/2004

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EXAMINER	
AGGARWAL, YOGESH K	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/442,835	UDAGAWA, YOSHIRO	
	Examiner	Art Unit	
	Yogesh K Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *25 and 26* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai (US Patent # 5,170,069).

[Claim 1]

Sakai teaches an image pickup apparatus (figure 2) comprising an image pickup device (figure 2, element 6) for picking up an image of an object to be recorded (col. 6 lines 1-2), a release switch (figure 2, element 8) for controlling an image pickup operation of said image pickup device, said release switch having a first actuation operation and a second actuation operation (col. 6 lines 15-17) and a white balance control unit (col. 7 lines 24-32, figure 2, element 17), having a first information acquisition operation for acquiring information about white balance (See figure 10A, steps S51 and S54) before said second actuation operation (Step S56 comes later) and executing an image pickup operation (Step S60-62 in figure 10B) of said image pickup device (figure 2, element 6) in accordance with said second actuation operation (Step S56) at a timing after said

first actuation operation (Step S51), and a second information acquisition operation for acquiring information about white balance in accordance with said second actuation operation (Step S581), wherein said white balance control unit controls white balance of an image picked up in accordance with said second actuation operation, on the basis of the information about white balance obtained in said first and said second information acquisition operations (col. 14 lines 21-37, figure 10B, steps S60-S62).

[Claims 9 and 17]

Regarding claims 9 and 17, because the apparatus according to the limitations of claim 1 is taught, the method and program corresponding to the apparatus are also taught.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 4, 10, 12, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent 5,170,069) in view of Kutaragi (U.S. Patent 4,584598).

[Claim 2]

Sakai teaches the apparatus of claim 1. See above. Sakai does not teach a display unit that displays an image picked up by an image pickup device. Kutaragi teaches that the image data subject to white balance is displayed on a monitor (col. 1, lines 20-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display unit of Kutaragi to the apparatus of Sakai. One of ordinary skill in the art would have

been motivated to make such a modification to view the image that has been subject to white balance correction.

[Claims 10 and 18]

Regarding claims 10 and 18, because the apparatus according to the limitations of claim 2 is taught, the method and program corresponding to the apparatus is also taught.

[Claim 4]

Sakai teaches that information about white balance acquired in the first operation is used as information about white balance in the first information acquisition mode (Fig. 4B-1).

[Claims 12 and 20]

Regarding claims 12 and 20, because the apparatus according to the limitations of claim 4 is taught, the method and program corresponding to the apparatus are also taught.

6. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent 5,170,069) in view of Kutaragi (U.S. Patent 4,584598) and further in view of Sansom-Wai et al (U.S. Patent 6,411, 331).

[Claim 3]

Sakai in view of Kutaragi teaches the apparatus of claim 2. See above. Sakai in view of Kutaragi do not teach that the white balance control unit computes information about white balance on the basis of an image picked up by said image pickup device at the first operation timing. Sansom-Wai teaches that white balance is determined from image data (col. 6, 42-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of determining white balance data by analyzing captured image data taught by Sansom-Wai in the apparatus of Sakai in view of Kutaragi to make an apparatus that

performs colorimetry and distance measurement operations to determine white balance by analyzing image data. One of ordinary skill would have been motivated to make such a modification obtain more image-specific information for correcting white balance.

[Claims 11 and 19]

Regarding claims 11 and 19, because the apparatus according to the limitations of claim 3 is taught, the method and program corresponding to the apparatus are also taught.

7. Claims 5-8, 13-16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent 5,170,069) in view of Okino (U.S. Patent # 5,617,139).

[Claim 5]

Sakai fails to teach wherein said white balance control unit acquires information about white balance in the second information acquisition mode on the basis of the image picked up in accordance with the second operation. However Okino teaches that the white balance control unit acquires information about white balance (white balance for flash light, ambient light, or both) in the second information acquisition mode on the basis of information involving distance measuring (col. 4, lines 50-58). The image picked up to measure object distance is inherently taught. Therefore taking the combined teachings of Sakai and Okino, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a white balance control unit acquiring information about white balance in the second information acquisition mode on the basis of the image picked up in accordance with the second operation. One would have been motivated to do so in order to obtain an aperture with a correct exposure can be obtained as taught in Okino (col. 4 lines 54-55).

[Claims 13 and 21]

Regarding claims 13 and 21, because the apparatus according to the limitations of claim 5 is taught, the method and program corresponding to the apparatus are also taught.

[Claim 6]

Sakai fails to teach a strobe unit which illuminates an object, and that said white balance control unit computes information about white balance of the image picked up in accordance with the second operation by using a white balance coefficient, as an initial value, which is obtained on the basis of information about white balance acquired on the basis of the first operation and information about white balance stored, when said white balance control unit causes said strobe unit to illuminate the object. However Okino teaches a strobe unit (flash device 12) which illuminates an object (Fig. 1), and that said white balance control unit computes information about white balance of the image picked up in accordance with the second operation by using a white balance coefficient, as an initial value, which is obtained on the basis of information about white balance acquired on the basis of the first operation (colorimetry) and information about white balance stored (color temperature of flash device), when said white balance control unit causes said strobe unit to illuminate the object (col. 4, line 59-col. 5, line 2). A storage unit that stores information about white balance for the strobe unit is inherently taught. Therefore taking the combined teachings of Sakai and Okino, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a strobe unit which illuminates an object, and that said white balance control unit computes information about white balance of the image picked up in accordance with the second operation by using a white balance coefficient, as an initial value, which is obtained on the basis of information about white balance acquired on the basis of the first operation and information about white balance stored. The benefit of doing

so would be to have a further improvement in color balance as taught in Okino (col. 5 lines 36-39).

[Claims 14 and 22]

Regarding claims 14 and 22, because the apparatus according to the limitations of claim 6 is taught, the method and program corresponding to the apparatus are also taught.

[Claim 7]

Okino teaches that the color temperatures of ambient light and the strobe are average to achieve white balance (col. 4, line 66-col. 5, line 2), which reads on said white balance control means controlling white balance on the basis of a white balance coefficient computed on the basis of computed information about white balance and information about white balance stored in said storage means, when said strobe unit illuminates an object.

[Claims 15 and 23]

Regarding claims 15 and 23, because the apparatus according to the limitations of claim 7 is taught, the method and program corresponding to the apparatus are also taught.

[Claim 8]

Okino teaches that the color temperatures of ambient light and the strobe are average to achieve white balance (col. 4, line 66-co1. 5, line 2), which reads on said white balance control unit controlling white balance on the basis of information about white balance acquired in the second information acquisition mode about white balance stored in said storage unit, when said white balance control unit causes strobe unit to illuminate the object.

[Claims 16 and 24]

Regarding claims 16 and 24, because the apparatus according to the limitations of claim 8 is taught, the method and program corresponding to the apparatus are also taught.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
November 23, 2004

TUAN HO
PRIMARY EXAMINER